

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE LOWER MANHATTAN
DISASTER SITE LITIGATION

2 MC102 (AKH)

NOTICE OF DEPOSITION PURSUANT
TO FEDERAL RULE OF CIVIL
PROCEDURE 30(b)(6)

To: Gail L. Ritzert, Esq.
HAVKINS ROSENFELD RITZERT & VARRIALE, LLP
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Attorneys for Defendant, Trinity Centre, LLC

PLEASE TAKE NOTICE, pursuant to Rule 30 (b)(6) of the Federal Rules of Civil Procedure, that on March 26, 2012, at 10:00 o'clock a.m., at the office Gregory J. Cannata & Associates, located at 233 Broadway, New York, New York 10270, attorneys for the plaintiffs herein will take the deposition of the above referenced Defendant with reference to "115/119 Broadway" by the person(s) most knowledge regarding the following subjects:

The witness will be deposed generally and specifically as to the following matters regarding the subject building, and/or as to matters relating thereto, with reference to knowledge the defendant has, has acquired and/or has access to, including written substantiation such as reports, logs, contracts, permits, as well as photographic/video recordings, as well as the personnel associated with the work so referenced as a result of the events of 9/11/01 or as otherwise referenced:

- A. Physical and occupancy description of subject building, including its tenants, as of 9/11/01 and thereafter, including the physical structure of the building, as well as its ventilation system and operation thereof.
- B. Relationships of the named parties with regard to the subject building as well as non-party contractors or others providing or retaining services at the building as to the 9/11/01

related clean up and/or decontamination, including contracts, writings, logs and other memorandum evidencing the relationship, the work, or communications relating thereto.

- C. Policies and procedures, including any manuals relating thereto, regarding the subject building as to the 9-11 related clean up and/or decontamination; and including any safety plans and/or procedures in effect as of 9/11/01 and during the subsequent months and years during which the related work was performed.
- D. Damage sustained to the subject building as a result of the events of 9/11/01, including the contamination of the subject building by materials or substances, including those toxic in nature; and including any surveys, reports, testing and analysis relating to same.
- E. Work performed at the subject building as a result of the events of 9/11/01 including clean-up, restoration, decontamination and testing for toxic or dangerous materials or substances; and including location of the work within/without of the building; and including contracts with contractors, applications and permits for the work and logs and reports reflective of the work.
- F. Air quality or other testing done prior, during and subsequent to the work with reference to the subject building as a result of the events of 9/11/01 including results, reports and conclusions.
- G. Communications with contractors and/or their employees relating to the work to be performed and/or performed, including issues of worker safety; and including any air quality or other safety testing done at the subject building as a result of the events of 9/11/01 reflective of the quality of the air and nature of the materials being cleaned, decontaminated, removed or restored; including any information concerning respirator and other safety equipment to be utilized; and also information concerning respirator and other safety equipment provided, including filters; and fit testing and related training.

- H. Information relating to insurance claims, including surveys, reports, air quality and other testing for toxic substances; and any remediation of same
- I. Information relating to any Federal/City/State agencies for applications, permits and violations applied for or received relative to the work at the subject building as a result of the events of 9/11/01; as well as the work performed pursuant to same; as well as corrective actions, if any, directed, warranted or undertaken


Defendant shall designate its/their representative(s) for each subject in writing at least five days before the scheduled date of this deposition. Please note that, under FRCP 30(b)(6), defendant has an obligation for the designated witness to investigate and prepare to testify on the designated topics.

This deposition will continue from day to day, excluding weekends and holidays, until completed. This deposition will be taken by oral examination before a person duly authorized to administer oaths. A stenographer and videographer will record this deposition. Plaintiffs reserve their rights to leave the deposition(s) open, and continue questioning upon receipt of additional materials relevant to the questioning of the witness.

Dated: New York, New York
March 16, 2012

GREGORY J. CANNATA & ASSOCIATES
Plaintiffs- Liaison Counsel

By: _____


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